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FILED

AUG 15 2013

SECRETARY, BOARD OF
OIL, GAS & MINING

**BEFORE THE BOARD OF OIL, GAS & MINING
DEPARTMENT OF NATURAL RESOURCES
STATE OF UTAH**

IN THE MATTER OF THE REQUEST FOR
AGENCY ACTION OF UTAH DIVISION OF
OIL, GAS, AND MINING FOR A
CESSATION ORDER AND CIVIL
PENALTIES AGAINST MONTEZUMA
WELL SERVICE, INC., AND EARL
MARTINEZ, OWNER AND OPERATOR OF
THE MONTEZUMA CREEK WASTE
DISPOSAL FACILITY, SECTION 14, T 40
SO., R. 22 EAST, SAN JUAN COUNTY,
UTAH.

MOTION TO CONTINUE HEARING

Docket No. 2009-015

Cause No. WD-04-2009

The Utah Division of Oil, Gas, and Mining ("Division"), through its attorneys hereby moves the Utah Board of Oil, Gas, and Mining ("Board") to enter an order that continues this matter until the Board's regular hearing scheduled October 23, 2013.

The matter was scheduled in August 2012 for an annual report at the August 2013 Board Hearing. The hearing is for the purpose of requiring the operator and Division to report on Montezuma's progress in meeting its obligations to bring its disposal facility into full compliance with the design requirements and to establish an adequate surety. This is the third annual report and


prior reviews by the Board have found that the operator has complied with its commitments. The Division is unaware of any current problems or issues requiring more urgent review.

The Division makes this request for a continuance until October 23, 2013 in order to accommodate the otherwise crowded agenda of the August Board Hearing and because the Division and Operator are not able to attend in September at the meeting in Cedar City and request that their report be continued until the October 23, 2013 hearing.

Attached is a Proposed Order Continuing the Hearing.

DATED this 15th day of August, 2013.

MARK L. SHURTLEFF
UTAH ATTORNEY GENERAL


STEVEN F. ALDER
Assistant Attorneys General

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DISPOSAL FACILITY, SECTION 14, T 40
SO., R. 22 EAST, SAN JUAN COUNTY,
UTAH.

**[PROPOSED]
ORDER TO CONTINUE HEARING**

Docket No. 2009-015

Cause No. WD-04-2009

Having reviewed the Motion to Continue Hearing of the Utah Division of Oil, Gas, and Mining in the above-captioned matter, and for good cause appearing, the Utah Board of Oil, Gas, and Mining pursuant to Utah Administrative Code R641-106-700 does,

Hereby Order that this matter be continued from the August 28, 2013 hearing until the Board's regular hearing scheduled for October 23, 2013.

So Ordered.

Utah Board of Oil, Gas, and Mining

Ruland J. Gill, Jr.
Chairman

CERTIFICATE OF SERVICE

I hereby certify that I caused a true and correct copy of the foregoing MOTION TO CONTINUE for Docket No. 2009-015, Cause No. WD-04-2009 to be mailed via email or first class mail, with postage prepaid, to the addresses listed below this 15th day of August 2013, to the following:

Earl Martinez
Personally and as President
Montezuma Well Service, Inc.
P.O. Box 540
Montezuma Creek, UT 84534

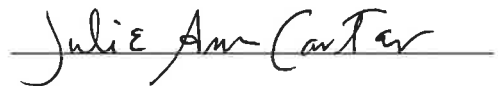
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Julie Ann Carter